

CBP Collaboration

(b)(6) (b)(7)(C) ⚙ ?



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## Ask HQ - Public

Subject Roving Patrol Stops

Category Operations Info

Question / Comment I am aware that our authority to make roving patrol stops lies in reasonable suspicion of an immigration violation based on certain articulable facts and experience. However, I have noticed colleagues making roving patrol stops based upon reasonable suspicion of criminal violations (such as narcotics). I have been unable to find the authority regarding "roving patrol" stops for violations of crimes not related to immigration. Is there a policy on this subject?

Answer Roving Patrols: Border Patrol vehicle stops, away from the border, are held to the same Fourth Amendment standards as any other domestic law enforcement agency. (Almeida-Sanchez (1973) 413 U.S. 266 [37 L.Ed.2nd 596]; United States v. Brignoni-Ponce (1975) 422 U.S. 873 [45 L.Ed.2nd 607].)

An investigatory stop of a vehicle may be based upon a reasonable suspicion that criminal activity is afoot, based upon an evaluation of the "totality of the circumstances." The fact that the circumstances, taken individually and in isolation, may all have some reasonable, non-criminal explanation, does not mean that a Border Patrol agent does not have legal cause to stop and investigate a possible drug smuggler. (United States v. Arvizu (2002) 534 U.S. 266 [151 L.Ed.2nd 740].)

The non-exclusive list of factors a court may use in determining whether a stop and detention is lawful include:

- The characteristics of the area in which a vehicle is encountered.
  - Proximity to the border.
  - Recent illegal border crossings in the area.
  - Erratic or evasive driving behavior.
  - Aspects of the vehicle.
  - The behavior or appearance of the driver.
- (United States v. Brignoni-Ponce, supra, at pp. 884-885 [45 L.Ed.2nd at pp. 618-619].)
- See also United States v. Berber-Tinoco (9th Cir. 2007) 510 F.3d 1083, adding:

- Usual patterns of smuggling in the area;
- Previous alien or drug smuggling in the area;
- Behavior of the driver, including "obvious attempts to evade officers;"
- Appearance or behavior of passengers;
- Model and appearance of the vehicle; and
- Officer experience.

Agents should understand that all vehicle stops are judged on the individual facts and circumstances of each case.

While we cite the most well-known cases above, you should note that there are a substantial number of other roving patrol cases decided by the Federal Courts, and that this is an area of the law is constantly changing. No single answer in this forum can provide a complete explanation and each agent must be capable of explaining the reasonable suspicion for every stop.

Content Type: Question

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2011 JUL 15 PM 4:06

U.S. BORDER PATROL  
EL CENTRO, CA



U.S. Customs and  
Border Protection

(b) (7)(E)

July 14, 2011

MEMORANDUM FOR:

(b)(6) (b)(7)(C)  
Chief Patrol Agent  
El Centro Sector

FROM:

(b)(6) (b)(7)(C) (b) (6)  
Patrol Agent in Charge  
Calexico Station

SUBJECT:

Citizen's Complaint Re: (b) (6)

This memorandum and the attached reports will serve to inform you of a citizen's complaint made against Border Patrol Agents of the Calexico Border Patrol Station on July 8, 2011.

On July 7, 2011, (b) (6) a United States citizen, was travelling westbound on Interstate 8 from Yuma, Arizona to his home in Coronado, California. (b) (6) was accompanied by his daughter (b) (6) (b) (6) and (b) (6) all United States Citizens.

(b) (6) and his companions were stopped and questioned about their citizenship on the westbound lane of Interstate 8 north of Drop 3 near Highway 115 by Border Patrol Agents (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C). All three agents are assigned to the Calexico Station Field training unit. Agents (b)(6) (b)(7)(C) are Field Training Officers and Agent (b)(6) (b)(7)(C) is a trainee on the Field Training Unit.

On July 8, 2011, (b) (6) contacted Supervisory Border Patrol Agent (SBPA) (b)(6) (b)(7)(C) of the Yuma Border Patrol Station to file a complaint against Border Patrol Agents. After receiving details of the complaint, SBPA (b)(6) (b)(7)(C) discovered that the location of the incident was in the Calexico Station's area of responsibility.

On July 8, 2011, at approximately 10:00 a.m., SBPA (b)(6) (b)(7)(C) contacted SBPA (b)(6) (b)(7)(C) of the Calexico Border Patrol Station and informed him of the complaint by (b) (6). SBPA (b)(6) (b)(7)(C) contacted (b) (6) via telephone and explained to him that the complaint would be handled by the Calexico Border Patrol Station. The Agents involved in his complaint were from the Calexico Border Patrol Station.

(b) (6) claims that he was stopped for speeding by Border Patrol Agents along Interstate 8. He also claims that during the stop he and his passengers were subject to verbal abuse, harassment, physical abuse and were detained without due cause. He claims the agents acted

(b)(6) (b)(7)(C)

CBP ROVING PATROL00000047



Citizen's Complaint Re: (b) (6)

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unprofessionally during the vehicle stop. SBPA (b)(6) (b)(7)(C) took the complaint and forwarded it along with his memorandum.

Supervisory Border Patrol Agent (b)(6) (b)(7)(C) of Sector Investigations was notified of the complaint and was provided with documentation from the incident.

On July 11, 2011 Border Patrol Agents (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) were served with a 31b notice and were instructed to provide a memorandum concerning this incident. All four agents were involved with this vehicle stop.

Agent memorandums stated that on July 7, 2011, at approximately 10:30 p.m., Agents (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) were on Interstate 8 westbound north of Drop 3 in a marked Border Patrol vehicle responding to radio traffic of a possible group of suspected illegal aliens south of Drop 3. They immediately began watching vehicle traffic along Interstate 8 in hopes of locating the load vehicle. They observed a dark colored mini van with tinted windows pass them at a high rate of speed. They began to follow the vehicle and noticed that the van appeared to be heavily laden and that this specific part of the Interstate is commonly used by alien smugglers as a load up area.

At this time they initiated a vehicle stop to verify the immigration status of all passengers in the vehicle. The vehicle stop was made on the westbound lanes of Interstate 8 near the Highway 115 off ramp. BPA (b)(6) (b)(7)(C) approached the vehicle, identified himself as a Border Patrol Agent and notified the occupants of the vehicle that he was conducting an immigration check. He identified the driver as (b) (6) and front seat passenger and owner of the vehicle as (b) (6) (b) (6). Both claimed to be United States Citizens.

While Agent (b)(6) (b)(7)(C) was questioning the front seat passengers, Agent (b)(6) (b)(7)(C) approached the vehicle from the passenger side and noticed the smell of marijuana coming from the vehicle. Agent (b)(6) (b)(7)(C) immediately alerted his partners to the possible presence of narcotics in the vehicle. Agent (b)(6) (b)(7)(C) asked if there was any marijuana in the vehicle to which (b) (6) replied that he had two small "joints" in his center console. The driver attempted to reach for the center console several times and both times was instructed to keep his hands visible. At this time both (b) (6) were patted down and handcuffed for officer safety. The rear seat passengers were identified as (b) (6) and (b) (6) both United States Citizens.

During a search of the vehicle, Agent (b)(6) (b)(7)(C) located a small plastic bag with two possible marijuana cigarettes in the center console of the vehicle. Agent (b)(6) (b)(7)(C) located another possible marijuana cigarette inside a cooler in the vehicle.

Agent (b)(6) (b)(7)(C) along with his K-9 partner were summoned to the scene to conduct a canine sniff of the vehicle. Agent (b)(6) (b)(7)(C) arrived and determined that the agents on scene had contaminated the vehicle and declined to perform a canine sniff.

Citizen's Complaint Re: (b) (6)

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Field Training Officer (b)(6) (b)(7)(C) decided that the amount of the contraband was not enough to meet the other agency guidelines to respond and cite (b) (6) and chose to release all parties in the vehicle. Agent (b)(6) (b)(7)(C) asked (b) (6) to dispose of the small amount of possible contraband in front of the agents.

After destroying the contraband, (b) (6) thanked the agents for what they do and departed the area without further incident. Supervisory Border Patrol Agent (b)(6) (b)(7)(C) of Sector Investigations was notified of the complaint and was provided with documentation from the incident.

All Agents stated in their memorandums that they acted in a professional manner at all times. During the encounter none of the subjects claimed they were treated unfairly. At no time did they request to speak with a supervisor to file a complaint or request any medical attention.

Based on the information provided, I find that all Agents involved performed their duties in a manner consistent with current policies and procedures concerning the vehicle stop and detention of (b) (6) and his companions. I do find that Agent (b)(6) (b)(7)(C) failed to follow proper procedures for narcotic seizures in that at no point should an Agent dispose of or self-adjudicate any amount of controlled substance and/or drug paraphernalia.

I find that appropriate corrective action is warranted.



(b) (7)(E)



**U.S. Customs and  
Border Protection**

July 13, 2011

MEMORANDUM FOR:

(b)(6) (b)(7)(C)  
Patrol Agent in Charge (Acting)  
Callexico Station

FROM:

(b)(6) (b)(7)(C)  
Supervisory Border Patrol Agent  
Callexico Station

SUBJECT:

Citizen Complaint

On July 8, 2011, at approximately 10:00 a.m., I received a call from SBPA (b)(6) (b)(7)(C) of Yuma Border Patrol Station in reference to a citizen's complaint that he had received. SBPA (b)(6) (b)(7)(C) explained that the location for the incident appeared to be within the Callexico Station's AOR. After receiving the pertinent details of the complaint and the contact information of the complainant, identified as (b) (6) I placed a call to (b) (6) in order to gain first hand information on the incident.

At approximately 11:00 a.m. I made contact with (b) (6) (b) (6) explained that his complaint was in reference to a vehicle stop that Border Patrol had conducted on him on the evening of July 7, 2011 at approximately 10:30 p.m. I took (b) (6) statement and filled out a Citizen's Complaint form. I faxed (b) (6) a form I-847 Report of Complaint, which he filled out and faxed back to me.

Due to the time, location, and description of the agents involved, I suspected that the vehicle stop had been conducted by agents from the Callexico Station Field Training Unit. I contacted Sector Radio Dispatch and requested copies of any records checks and vehicle checks that were performed in relation to the vehicle stop. A review of the vehicle stops for that time period discovered that agents from the Callexico Station Field Training Unit (FTU) had stopped that vehicle. In addition, Sector Radio provided me with the records checks for (b) (6) (USC; DOB (b) (6), and his passenger (b) (6) (USC (b) (6). There was no criminal history found on both subjects. I was also provided with the registration for the vehicle they were travelling in, a 2005 Honda, (b) (6) R/O (b) (6).

I contacted FTU supervisor SBPA (b)(6) (b)(7)(C) and informed him of the complaint. SBPA (b)(6) (b)(7)(C) stated that he was aware of the complaint and the incident and that he would request memos from the involved agents.

**EL CENTRO SECTOR  
COMPLAINT FORM**

Complaint Number: (b) (7)(E)

Station: ELC/CAX

**EMPLOYEE:** (Taking Information)

Name: SBPA (b)(6) (b)(7)(C) 7/8/2011 11:00 a.m.  
(Date) (Time)

Method Complaint Received: By telephone.  
(telephone, person, etc.)

**COMPLAINANT:**

Name: (b) (6) Telephone: (b) (6)  
Address: (b) (6)

Person to Contact if Not at Above Address:

Name: N/A Telephone:  
Address:

Relevant Information: (other witnesses, vehicle driven, etc.)

Passenger was (b) (6)

2005 Honda, (b) (6) R/O (b) (6)

Also in the vehicle were (b) (6) daughter and her friend. No names were provided.

**INCIDENT:** (Attach G-2 with detailed description of what happened)

Agent Involved: Field Training Unit

Vehicle Description: (if applicable) Marked Border Patrol Tahoe

Place and Time of Incident: Interstate 8 and Vanderlinden Rd., 10:30 p.m., 7/7/2011

**SYNOPSIS:** (Narrative description of incident)

(b) (6) was pulled over by FTU while traveling westbound on I-8. (b) (6) claims that the agents stopped him for speeding and passing a marked vehicle on the Interstate. (b) (6) claims he was subjected to verbal abuse by the agents and that the agents acted roughly and unprofessionally to him and his passengers.

PAIC Action: (b) (2)

(b) (2)

Recommendation: (b) (2)

(b) (2)

(b) (7)(E)



(b) (7)(E)





(b) (7)(E)



(b) (7)(E)

OP: 11/11/11  
LT: 11/11/11  
11/11/11

DE: 11/11/11

CD

11/11/11

## FAX COVER SHEET

TO	Supervisor (b)(6) (b)(7)(C)
COMPANY	US Border Patrol STA (b) (7)(E)
FAX NUMBER	(b)(6) (b)(7)(C)
FROM	(b)(6) (b)(7)(C)
DATE	2011-07-09 00:13:07 GMT
RE	Complaint re: highway stop July 7th 2011

## COVER MESSAGE

Supervisor (b)(6) (b)(7)(C) Following is the complaint form and my statement re: the incident that occurred last evening on the highway just outside of Yuma, AZ.. As an addition to what I noted in my complaint - When I brought up Ca Health & Safety Code 11357b which requires a \$100.00 fine but no arrest or imprisonment for possession of less than one ounce of marijuana, I was told that Border Patrol is Federal and does not pay any attention to state laws. If that is the case - why was I pulled over for speeding? Simply an observation.



07/08/2011 11:42 FAX

(b)(6) (b)(7)(C)

CONTROL ROOM

001/002

U.S. Department of Justice  
Immigration and Naturalization ServiceOMB No. 1115-0191  
Report of Complaint - Reporte de Queja

## THIS SPACE IS FOR ADMINISTRATIVE USE ONLY (ESTE ESPACIO PARA USO DEL ADMINISTRATIVO)

Employee \_\_\_\_\_ Case No. \_\_\_\_\_  
Station \_\_\_\_\_ Incident \_\_\_\_\_

Complainant's Name (Nombre)		Address (Domicilio)		Phone No. (Número de Teléfono)
(b) (6)		(b) (6)		(b) (6)
Age (Edad)	Race (Raza)	Sex (Sexo)	Occupation (Ocupación)	
50	White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	Aerospace Engineer	
Name of Witness (Nombre de Testigo)		Address (Domicilio)		Phone No. (Número de Teléfono)
(b) (6)		(b) (6)		(b) (6)
(b) (6)		(b) (6)		(b) (6)

Subject of Complaint (Persona de quien se queja)	
If unknown, please provide description of the employee (Si usted no lo conoce, describa al empleado)	
Name (Nombre)	Description (Descripción)
(b) (6)	(b) (6)

When did incident occur? (¿Cuándo ocurrió el incidente?)				Location (¿Donde ocurrió el incidente?)
Month (Mes)	Day (Día)	Year (Año)	Time (Hora)	
July	7	2011	9:30 P.M.	5-10 miles west of Border Patrol check point west of Yuma

Details of Complaint (Use additional sheet if necessary)	
Detalles de la Queja (Usa papel adicional si es necesario)	
See Attachment for details of encounter	
I certify that, to the best of my knowledge and belief, all my statements are true, correct and made in good faith. (Yo declaro (certifico), a mi mejor conocimiento, que el testimonio hoy dado por mí, es verdadero, correcto y hecho en buena fe.)	
(b) (6)	
Significant (Firma)	

Time and Date Reported (Fecha y Hora del Reporte)	Location Reported (Lugar donde se hizo el Reporte)	Agency (Agencia)
8 July 2011	CAlexico Border Patrol	
Printed Name of Supervisor Receiving Complaint (Nombre en letra de molde del Supervisor Recibiendo Queja)		Signature of Supervisor Receiving Complaint (Firma del Supervisor Recibiendo Queja)

Form I-847 (07/28/99)Y



July 7th 2011

I had spent the day at the Colorado River and decided to return to San Diego after discovering our air conditioner was not functioning in the house owned by (b) (6)

Present were:

(b) (6) (Aerospace engineer) No problems with law enforcement at any level.  
(b) (6) (Real Estate Agent) With long ties to the community.  
(b) (6) my daughter 19 years old - college student  
(b) (6) college student and daughter to the USN Chief of Staff for the Pacific Fleet.

Returning from the Colorado River at approximately 9:30 p.m., we were driving with the traffic flow - approx 80 miles per hour. I had passed the Arizona Border check point going into California and then the CA Border Patrol check point just beyond that. We were on our way to El Centro when we came upon a Border Patrol vehicle doing approx our same speed.

I stayed behind the vehicle for some time then I passed. Immediately after passing without much distance between vehicles I noticed the border patrol car get closer to our vehicle then was safe or necessary. This kept on for a few miles when I decided to pull to the side in hopes the vehicle would leave us alone. This game they were playing caused me to move quicker than I was previously traveling in an effort to get them away from me and off of my bumper - changing lanes did not work, speeding up did not work.

It was then the vehicle flashed their lights. I pulled over on an off ramp and pulled to the side of the road. I confirmed with my passengers that it was Border Patrol not CHP. On the driver side a black officer slowly came alongside my window. Another officer was at the same location with the front passenger.

I asked the officer why I was being pulled over and received no response. The officer got very forceful with both myself and my daughter who was sitting behind me. On the other side my front seat passenger was asking why we were being pulled over and he was told they were performing a check for illegals. Keeping in mind I was just through two checkpoints where vehicles are stopped and ask citizenship.

I was told by the black officer to get out of the car. He instructed me in a hostile tone with obvious intent to degrade and incite. He then asked me to place my hands up over my head. He had me walk to the back of the vehicle. I was wearing a pair of shorts and tank top. The officer then told me he was going to perform a check for knives or guns. He stuck his knee into my back forcing me into the back of my car then checked me. My hand remained in the air the entire time because I sensed he would use any excuse to hit me.

He continued this until I was instructed to go to the front of the vehicle and sit on the dirt. I again asked what right he had to pull me over for speeding, he pointed to the lights on the top of the Border Patrol car and said it was an emergency vehicle and we had to watch out for them and that he could do whatever he wanted. I knew then it was time to be quiet and try to just get out of this situation.

(b) (6) was then instructed to join me. We were then both hand cuffed. The



teenagers were then asked to get out of the car. (b) (6) informed all of the officers that she is an epileptic and that flashing and bright lights induce seizures. The officers told her to close her eyes and walk to the side of the road without offering any assistance or allowing any of us to help. Our location was an off ramp with a 45 degree grade that she could have fallen down. Once she sat down a second car showed up so there bright lights in front and in back of her. Still zero consideration for her medical condition. Imagine if she had a seizure right there after all the warnings given. Then her legal status was in question because the officers were not familiar with the Military Dependant I.D. Card she provided. She spent a good 5 minutes going through questions and answers because a 19 year old epileptic cannot have a driver's license. Can you imagine her memories of this event. Again, another disgusting display of character and personal bias instead of doing their job professionally.

The officers then told us that the reason we were being detained and pulled over was they smelled marijuana. They may have smelled something when the car was idle and sitting on the side of the road but not before. I was asked if any marijuana was in the car. I informed the agent there were a couple of joints in a certain location very accessible. They returned and asked where the rest was. It was obvious to anyone that the materials found were for personal use and not distribution. I was told then they were going to summon a dog to search the rest of the vehicle and if I was lying I was in a lot of trouble. Good thing I hadn't lied.. but no dog was ever produced – just threats.

In the meantime (b) (6) and I were handcuffed and left that way for the next 30 minutes. All of this for speeding and possession of a couple of joints.

After a while a Lieutenant arrived. The officers conferred for some time and decided that if I destroyed the material in front of them we could go on our way.

The lieutenant threatened me that if I was ever to go through a border check point, where ever it might exist in the US, I would immediately be fined the maximum amount \$500.00 if any marijuana was found within my possession. Fair enough, but again, another example of agents with a God syndrome abusing their power, their uniform and their badge.

This is what happened to me, my family and friends at the hands of an agency not chartered with speeding infractions, the reason used to pull a licensed vehicle over and harass, verbally humiliate, physically abuse and detain without due cause.

I feel compelled to seek legal advice in this situation for just one reason, ABUSE of POWER. Of all the things agents of the government cannot do wrong its abuse the citizens of this great country. Your officers did that last night. It was just like being fleeced by Mexican Federales. The only thing missing in this scenario was the request for a bribe to make it all go away. Shame on those officers and shame on those who take this encounter lightly.

I will do my part to help them remember their charter and who there trying to protect, me and the family they abused last night. I am a veteran as is (b) (6) We did not deserve the way we were treated that evening..



(b) (7)(E)



**U.S. Customs and  
Border Protection**

July 11, 2011

MEMORANDUM FOR:

(b)(6) (b)(7)(C)

Patrol Agent In Charge  
Callexico Station

FROM:

(b)(6) (b)(7)(C)

Supervisory Border Patrol Agent  
Callexico Station

SUBJECT:

Complaint Re: (b) (6)

This memorandum will serve to inform you of a complaint taken by Supervisory Border Patrol Agent (b)(6) (b)(7)(C) from (b) (6) a United States Citizen. (b) (6) submitted the following in his complaint form against agents of the Field Training Unit.

(b) (6) states that on Thursday July 7, 2011, at approximately 9:30pm, he was travelling westbound on Interstate 8 from Yuma, Arizona to his home in Coronado, California.

(b) (6) states that (b) (6) the owner of the vehicle along with (b) (6) daughter (b) (6) and (b) (6) all United States Citizens, accompanied him.

(b) (6) states that they were on Interstate 8 westbound when he passed a Border Patrol marked vehicle. He states that the vehicle followed them for a few minutes at a close distance. (b) (6) states he started switching lanes in order to get the vehicle off his rear bumper. After a few minutes (b) (6) states that the vehicle activated his emergency lights and he pulled over to the side of the road. He states that he asked why he was being pulled over and got no response from the officers. (b) (6) states that his front passenger asked why they were being pulled over and he was told they were performing a check for illegals.

(b) (6) states that the black officer spoke to him in a hostile tone. He was then told to exit his vehicle and place his hands over his head. (b) (6) states that the officer stated he was going to check him for knives and guns. He stated that the officer put his knee in his back forcing him back into the car then he checked him. (b) (6) stated that his hands remained in the air the entire time because he felt the officer would use any excuse to hit him. (b) (6) was then instructed to sit in front of the vehicle in the dirt. He also states that he asked the agent why they had stopped him to which the agent pointed to the light on top of his service vehicle and stated that he could do whatever he wanted.

(b) (6) and (b) (6) were both placed in handcuffs as they sat in the dirt.

SUBJECT: Complaint Re: (b) (6)

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(b) (6) states that (b) (6) advised the agents that she is an epileptic and that the flashing and bright lights induce seizures. He states that the officers told her to close her eyes and walk to the side of the road without offering any assistance or allowing any of them to help her. He states that she was questioned for about 5 minutes due to her not having a drivers license only a Military Dependant Identification Card. He states that the officers told them that the reason they were being detained was that they smelled marijuana in the vehicle. (b) (6) was asked if there was any Marijuana in the vehicle, he stated that there were a couple of joints in a certain location very accessible. (b) (6) stated that he was asked where the rest was and that they were going to summon a dog to search the rest of the vehicle. He states that the officer told him that if he was lying he would be in a lot of trouble. (b) (6) states that the dog never came.

(b) (6) stated that he was handcuffed for the next 30 minutes all for speeding and a couple of joints. He states that after a while a Lieutenant arrived and after conferring for some time with the officers, they decided that if he destroyed the joints in front of them he would be allowed to leave.

He further states that the Lieutenant threatened him that if he was ever to go through a border checkpoint he would immediately be fined the maximum amount of \$500.00 if any marijuana was found. (b) (6) further stated in his complaint form that he brought Ca Health & Safety Code 11357b which requires a \$100.00 fine but no arrest or imprisonment for possession of less than one ounce of marijuana and that he was told Border Patrol is Federal and does not pay attention to state laws.

Border Patrol Agents (BPA) (b)(6) (b)(7)(C), (b)(6) (b)(7)(C) and Border Patrol Agent Trainee (BPA T) (b)(6) (b)(7)(C) were instructed to submit a memorandum regarding the incident. All three agents were served with form-31b Right to Union Representation. The agents stated the following:

They state that on July 7, 2011 at approximately 10:30 pm, they were on Interstate 8 westbound north of Drop 3 along with BPA (T) (b)(6) (b)(7)(C) in their assigned Border Patrol marked unit responding to radio traffic of a possible group south of Interstate 8 near Drop 3. The agents then concentrated on traffic watch in the area. They were driving on Interstate 8 westbound north of Drop 3 when a dark colored mini van with tinted windows passed them. (b) (7)(E)

(b) (7)(E)  
(b) (7)(E) The agents then approached the vehicle in an effort to get a closer look to determine if the van had in fact picked up any illegal aliens.

As the agents drove right up to the mini van BPA (T) (b)(6) (b)(7)(C) began to request, record checks on the vehicle's license plate number. Agents further state that the vehicle began to move from the left lane to the right lane then back again numerous times for no reason.



SUBJECT: Complaint Re: (b) (6)

Page 3

After a few minutes, they performed a vehicle stop on the vehicle on Interstate 8 and Highway 115 off ramp. BPA (T) (b)(6) (b)(7)(C) approached the driver side and as he came up to the driver, the driver questioned BPA (T) (b)(6) (b)(7)(C) as to why he stopped him. BPA (T) (b)(6) (b)(7)(C) identified himself as a Border Patrol Agent and stated to the driver that it was an immigration check. He questioned both the driver identified as (b) (6) and front passenger identified as (b) (6) (b) (6) as to their citizenship and both stated that they were United States Citizens. BPA (b)(6) (b)(7)(C) was standing at the front passenger door and as the window was being rolled down, he smelled the odor of what appeared to be marijuana emanating from the vehicle. BPA (b)(6) (b)(7)(C) then alerted BPA (T) (b)(6) (b)(7)(C) to the possible presence of narcotics. BPA (b)(6) (b)(7)(C) asked if there was any marijuana in the vehicle and the driver stated that he had two small joints in his center console. As the driver reached down he was instructed by BPA (T) (b)(6) (b)(7)(C) to keep his hands up where he could see them. The driver was again instructed by BPA (T) (b)(6) (b)(7)(C) to keep his hands up as he kept lowering them. All occupants were then escorted off the vehicle for a closer inspection. Both the driver and front passengers were patted down and handcuffed at this time for officer safety.

Both rear passengers identified as (b) (6) and (b) (6) were taken out of the vehicle and allowed to sit down next to the other occupants. (b) (6) informed BPA (b)(6) (b)(7)(C) that she was an epileptic and that the emergency lights could trigger a seizure. BPA (b)(6) (b)(7)(C) complied by setting the lights to the minimum setting of strobes lights without turning them off due to the fact that the vehicle had stopped at the off ramp and there was traffic flowing in his direction. BPA (b)(6) (b)(7)(C) check again on (b) (6) as to her condition a few moments later and she stated that she was "ok".

A K-9 unit was called to the scene to perform a check on the vehicle. Border Patrol Agent (b)(6) (b)(7)(C) responded to the scene. BPA (b)(6) (b)(7)(C) advised the agents that the scene was already contaminated because the agents had been inside moving the possible marijuana around the vehicle and did not perform a canine sniff. BPA (b)(6) (b)(7)(C) then departed the scene.

BPA (b)(6) (b)(7)(C) determined that the amount of the possible contraband was not enough to meet other agency guidelines to respond and cite (b) (6). (b) (6) disposed of the small amount of possible contraband in front of the agents. (b) (6) thanked the agents for what they do and departed the area without any further incident.

On Today's date at approximately 2:30pm, I spoke with (b) (6) regarding his statements. (b) (6) reiterated that he felt he was stopped for speeding and nothing else.

SUBJECT: Complaint Re: (b) (6)

Page 4

After taking the statements from Border Patrol Agents (b)(6) (b)(7)(C) and BPA (T) (b)(6) (b)(7)(C) I have concluded that the Agents acted within the scope of their authority to effect a vehicle stop on the mini van driven by (b) (6) (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (6) and all occupants of the vehicle were aware of the reason they were stopped and did not have any other statements after thanking the officers before leaving the area.

(b) (2), (b) (7)(E)

1150 East Birch Street  
Calexico, CA 92231



**U.S. Customs and  
Border Protection**

**(b) (7)(E)**

July 11, 2011

MEMORANDUM FOR:

**(b)(6) (b)(7)(C)**

Patrol Agent In Charge  
Calexico Station

FROM:

**(b)(6) (b)(7)(C)**

Border Patrol Agent  
Calexico Station

SUBJECT:

Citizen's Complaint

**(b) (5)**

Subject: Citizen's Complaint

Page 2

(b) (5)





Subject: Citizen's Complaint

Page 3

(b) (5)



(b) (5)



1150 East Birch Street  
Calexico, CA 92231



**U.S. Customs and  
Border Protection**

**(b) (7)(E)**

July 11, 2011

MEMORANDUM FOR:

**(b)(6) (b)(7)(C)**  
Patrol Agent in Charge  
Calexico Station

FROM:

**(b)(6) (b)(7)(C)**  
Border Patrol Agent  
Calexico Station

SUBJECT:

Citizens Complaint

**(b) (5)**

Subject: Citizens Complaint  
Page 2

(b) (5)





Subject: Citizens Complaint  
Page 3

(b) (5)



Subject: Citizens Complaint  
Page 4

(b) (5)



(b) (5)



1150 East Birch Street  
Calexico, CA 92231



**U.S. Customs and  
Border Protection**

**(b) (7)(E)**

July 11, 2011

MEMORANDUM FOR:

**(b)(6) (b)(7)(C)**

Patrol Agent In Charge  
Calexico Station

FROM:

**(b)(6) (b)(7)(C)**

Border Patrol Agent (T)  
Calexico Station

SUBJECT:

Citizen's Complaint

**(b) (5)**



Subject: Citizen's Complaint  
Page 2

(b) (5)



Subject: Citizen's Complaint  
Page 3

(b) (5)



(b) (5)



1150 East Birch Street  
Calexico, CA 92231



**U.S. Customs and  
Border Protection**

**(b) (7)(E)**

July 11, 2011

MEMORANDUM FOR:

**(b)(6) (b)(7)(C)**

Patrol Agent In Charge  
Calexico Station

FROM:

**(b)(6) (b)(7)(C)**

Border Patrol Agent/ K9 Handler  
Calexico Station

SUBJECT:

Citizen's Complaint

**(b) (5)**



Subject: Citizen's Complaint  
Page 2

(b) (5)

(b) (5)



211 West Aten Road  
Imperial, CA 92251



**U.S. Customs and  
Border Protection**

**(b) (7)(E)**

September 30, 2010

MEMORANDUM FOR: Staff  
Patrol Agents in Charge  
Department Heads

FROM:

**(b)(6) (b)(7)(C)**  
Chief Patrol Agent  
El Centro Sector

**(b)(6) (b)(7)(C)**

SUBJECT: Procedures for Narcotic Seizures

**(b) (7)(E)**

(b) (7)(E)



(b) (7)(E)

JUL 23 2010

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

MEMORANDUM FOR: All Chief Patrol Agents  
All Division Chiefs

FROM:

(b)(6) (b)(7)(C)

Chief  
U.S. Border Patrol

SUBJECT:

Changes to (b) (7)(E) of Drug Residue and Plants

(b) (7)(E)



(b) (7)(E)



(b) (7)(E)



(b) (7)(E)



1150 East Birch Street  
Calexico, CA 92231



**U.S. Customs and  
Border Protection**

August 4, 2011


**(b)(6) (b)(7)(C)**

Border Patrol Agent  
Calexico Border Patrol Station  
Calexico, California

Dear **(b)(6) (b)(7)(C)**

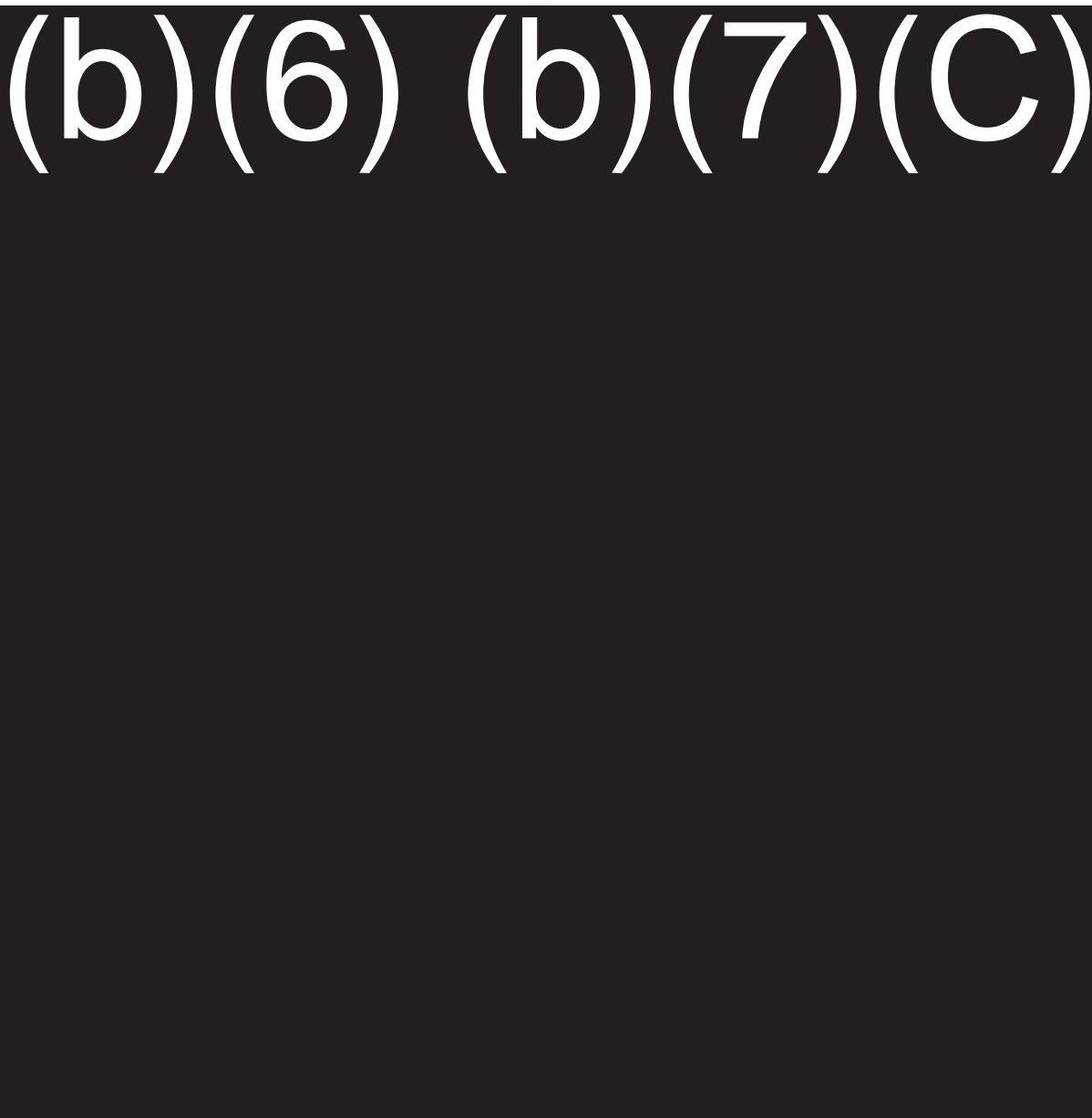
**(b)(6) (b)(7)(C)**

(b)(6) (b)(7)(C)





(b)(6) (b)(7)(C)



(b)(6) (b)(7)(C)



(b)(6) (b)(7)(C)



(b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Wednesday, May 30, 2012 9:27 AM  
**To:** (b)(6) (b)(7)(C)

**Subject:** RE: Oral Reply Summary for Your Review  
(b)(6) (b)(7)(C) I am good with the Oral Reply as it is written. Thank you, again sorry for not sending it back sooner.

**From:** (b)(6) (b)(7)(C)  
**Sent:** Tue 5/29/2012 7:08 PM  
**To:** (b)(6) (b)(7)(C) GURROLA, FERNANDO M  
**Subject:** FW: Oral Reply Summary for Your Review

Hi (b)(6) (b)(7)(C)

Did you have a chance to review the reply? I cannot do the (b)(6) (b)(7)(C) review with the deciding official until I have received approval for this reply summary or received your changes to the reply summary. Thank you.

(b) (6)  
Labor and Employee Relations Specialist  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, May 21, 2012 2:47 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Oral Reply Summary for Your Review

Haha forgot the attachment...

(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, May 21, 2012 2:47 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** Oral Reply Summary for Your Review

Hi (b)(6) (b)(7)(C)

Here is the oral reply summary for BPA (b)(6) (b)(7)(C) My cd rom that burns cds/dvds is dead and I'm waiting for it to be replaced. So in the mean time, I had to just type this one up. Please let me know if it is accurate, or send me back a revised copy with any changes you have made to add to the employee's file. Thanks.

(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
211 W. Aten Road  
Imperial, CA 92251  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

5/30/2012

CBP ROVING PATROL00000089



(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)  
Sent: Wednesday, May 30, 2012 9:27 AM  
To: (b)(6) (b)(7)(C)

Subject: RE: Oral Reply Summary for Your Review  
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Hi (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
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Fax: (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)  
Sent: Monday, May 21, 2012 2:47 PM  
To: (b)(6) (b)(7)(C)  
Subject: Oral Reply Summary for Your Review

Hi (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
211 W. Aten Road  
Imperial, CA 92251  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

5/30/2012

CBP ROVING PATROL00000090

(b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Wednesday, May 30, 2012 9:27 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: Oral Reply Summary for Your Review

Stephanie I am good with the Oral Reply as it is written. Thank you, again sorry for not sending it back sooner.

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**From:** (b)(6) (b)(7)(C)  
**Sent:** Tue 5/29/2012 7:08 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Oral Reply Summary for Your Review

Hi (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
Phone: (b)(6) (b)(7)(C)  
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Fax: (b)(6) (b)(7)(C)

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Labor and Employee Relations Specialist  
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(b)(6) (b)(7)(C)  
Labor and Employee Relations Specialist  
211 W. Aten Road  
Imperial, CA 92251  
Phone: (b)(6) (b)(7)(C)  
Blackberry: (b)(6) (b)(7)(C)  
Fax: (b)(6) (b)(7)(C)

5/30/2012

211 West Aten Road  
Imperial, CA 92251



**U.S. Customs and  
Border Protection**

June 1, 2012

**(b)(6) (b)(7)(C)**

Border Patrol Agent  
Calexico Border Patrol Station  
Calexico, California

Dear **(b)(6) (b)(7)(C)**

**(b)(6) (b)(7)(C)**

(b)(6) (b)(7)(C)

